

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JAMES WILLIAMS,

Plaintiff,

v.

Case No: 2:21-cv-63-JLB-MRM

COMMISSIONER OF SOCIAL SECURITY
and U.S. ATTORNEY,

Defendants.

ORDER

The Magistrate Judge has entered a Report and Recommendation, recommending that the Commissioner's Unopposed Motion for Entry of Judgment with Remand (Doc. 21) be granted. (Doc. 22.) The Commissioner represents that Plaintiff's counsel does not oppose remand. (Doc. 21 at 1.)

A district judge may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of objections, a district judge is not required to review the factual findings in the report de novo, but legal conclusions are reviewed de novo even without an objection. Id.; Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

After an independent review of the record, and noting the lack of any objection, the Court agrees with the well reasoned Report and Recommendation.


Accordingly, it is **ORDERED**:

1. The Report and Recommendation (Doc. 22) is **ADOPTED** and made a part of this Order for all purposes.
2. The Commissioner's Unopposed Motion for Entry of Judgment with Remand (Doc. 21) is **GRANTED**.
3. The decision of the Commissioner is **REVERSED** and this case is **REMANDED** under sentence four of 42 U.S.C. § 405(g) for further administrative action and proceedings as follows:

Upon remand, the Appeals Council will instruct the Administrative Law Judge to offer the claimant an opportunity for a new hearing, obtain vocational expert testimony to determine the claimant's past relevant work, if the claimant is capable of performing it, and if there are other jobs in the national economy that the claimant can perform in significant numbers.

4. Plaintiff is instructed that any application for fees, costs, or expenses must comply with the Court's Standing Order on Management of Social Security Cases, In re Administrative Orders of the Chief Judge, No. 3:21-mc-1-TJC, Doc. 43 (Dec. 7, 2021).
5. The Clerk is **DIRECTED** to enter judgment accordingly, terminate any pending motions and deadlines, and close the file.

ORDERED at Fort Myers, Florida, January 31, 2022.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE